

JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | NO. CR15-243-RAJ |
| |) | |
| Plaintiff, |) | |
| |) | ORDER GRANTING IN PART |
| vs. |) | DEFENDANT'S MOTION TO |
| |) | CONTINUE TRIAL DATE AND |
| KENNETH BUNTING, |) | PRETRIAL MOTIONS DEADLINE |
| |) | |
| Defendant. |) | |

THE COURT has considered the defense motion to continue the trial date and pretrial motions deadline, the government's response, and the files and pleadings herein, and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) a reasonable period of delay is necessary to afford defense counsel to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

1 (d) the case is sufficiently complex that it is unreasonable to expect adequate
2 preparation for pretrial proceedings or the trial itself within the current trial schedule, as
3 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii); and

4 (e) the ends of justice will best be served by a continuance, and the ends of
5 justice outweigh the best interests of the public and the defendant in any speedier trial,
6 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

7 (f) the additional time requested between the current trial date of January 25,
8 2016, and the new trial date is necessary to provide counsel for the defendant the
9 reasonable time necessary to prepare for trial, considering counsel's schedule and all of
10 the facts set forth above.

11 (g) however, the above factors do not warrant the length of continuance
12 requested by defendant, particularly given that the court previously granted a
13 continuance from October 5, 2015 to January 25, 2016. The court agrees with the
14 government that a shorter continuance will allow sufficient time for the parties to
15 prepare for trial.

16 IT IS THEREFORE ORDERED that the trial date in this matter shall be
17 continued from January 25, 2016 to March 7, 2016. All pretrial motions, including
18 motions in limine, shall be filed no later than February 11, 2016.

19 IT IS FURTHER ORDERED that the period of delay from the date of this order
20 to the new trial date of March 7, 2016, is excludable time pursuant to 18 U.S.C. §§
21 3161(h)(7)(A) and (h)(7)(B)(iv).

22 DATED this 13th day of January, 2016.

23 
24

25 The Honorable Richard A. Jones
26 United States District Judge